

REMARKS

With entry of this amendment, claims 18, 19, 24, 29-38, and 40-60 are pending in this application, claims 18, 19, 24, 29-38, and 40-58 of which stand rejected, and claims 59 and 60 of which have been newly added. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 18, 19, 24, 29-38, and 40-58 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 6,558,382 issued to Jahns et al. ("Jahns"). Without acquiescence that Jahns is a §102(e) prior art reference, and without prejudice to antedate this reference should it become necessary, Applicant respectfully traverses this rejection, since Jahns does not disclose each and every element required by these claims, as amended.

In particular, independent claim 18 and 40 have been amended to clarify that the ablative element and ground element are respectively located adjacent opposing surfaces of a wall thickness of an organ, so that the ablation energy is delivered through the wall thickness of the organ. In contrast, Jahns discloses placing the ground element on the back, thigh, or shoulder of the patient.

Independent claim 53 has not been amended, because it requires one of the ablative element and ground element to be placed in contact with the epicardial surface of a heart, and the other of the ablative element and ground element to be placed in contact with the endocardial surface of the heart, so that the ablation energy is delivered through the myocardial surface. While Jahns discloses that an ablative element can be placed in contact with either the endocardial surface and epicardial surface of a heart, it does not disclose that the ablative element can be placed in contact with one of the endocardial and epicardial surfaces, while a ground element is placed on the other of the

endocardial and epicardial surfaces. Again, Jahns merely discloses that the ground element can be placed in contact with the back, thigh, or shoulder of the patient.

Thus, Applicant submits that independent claims 18, 40, and 53, as well as the claims depending therefrom (claims 19, 24, 29-38, 41-52, and 54-58), are not anticipated by Jahns, and as such, respectfully request withdrawal of the §102 rejections of these claims.


#### New Claims

It is believed that newly added claims 59 and 60 find support in the specification, as originally filed, and are patentable over the prior art of record for at least the same reasons as independent claims 18 and 40 from which they depend.

#### Conclusion

Based on the foregoing, it is believed that, with entry of this amendment, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

  
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